

CLOSED

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

United States of America

v.

Jose Hernandez

Citizen of Mexico

USM#: 74784-208

DOB: 1988

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed on or After November 1, 1987)

No. 08-15329-001M-SD

Lorna Spencer (AFPD)  
Attorney for Defendant

ICE#: A88 764 232

THE DEFENDANT ENTERED A PLEA OF guilty on 2/26/2008 to Count ONE of the Complaint.

ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S): violating Title 8, USC § 1325, Illegal Entry, a Petty offense, as charged in Count ONE of the Complaint.

IT IS THE JUDGMENT OF THE COURT THAT the defendant is hereby committed to the custody of the Bureau of Prisons for a term of FIFTEEN (15) DAYS on Count ONE, with credit for time served.

CRIMINAL MONETARY PENALTIES

The defendant shall pay to the Clerk the following total criminal monetary penalties:

SPECIAL ASSESSMENT: \$Remitted      FINE: \$      RESTITUTION: \$

If incarcerated, payment of criminal monetary penalties are due during imprisonment at a rate of not less than \$25 per quarter and payment shall be made through the Bureau of Prisons' Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, Attention: Finance, 880 Front Street, San Diego, California 92101. Payments should be credited to the various monetary penalties imposed by the Court in the priority established under 18 U.S.C. § 3612(c). The total special assessment of \$Remitted shall be paid pursuant to Title 18, United States Code, Section 3013 for Count ONE of the Complaint.

Any unpaid balance shall become a condition of supervision and shall be paid within prior to the expiration of supervision. Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address. The Court hereby waives the imposition of interest and penalties on any unpaid balances.

IT IS FURTHER ORDERED that the Clerk of the Court deliver two certified copies of this judgment to the United States Marshal of this district.

The Court orders commitment to the custody of the Bureau of Prisons.  
The defendant is remanded to the custody of the United States Marshal.

**08-15329-001M-SD**

USA vs. Jose Hernandez

~~Date of Imposition of Sentence: Tuesday, February 26, 2008~~

Date 2/26/2008

JAY R. IRWIN, United States Magistrate Judge

**RETURN**

I have executed this Judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_, the institution designated by the Bureau of Prisons, with a certified copy of this judgment in a Criminal case.

By:

United States Marshal  
08-15329-001M-SD -

Deputy Marshal

DATE: 2/26/2008 CASE NUMBER: 08-15329-001M-SD

**PLEA/SENTENCING MINUTES**

USA vs. Jose Hernandez

U.S. MAGISTRATE JUDGE: JAY R. IRWIN Judge #: 70BK

U.S. Attorney \_\_\_\_\_ INTERPRETER REQ'D Marcia Resler

Attorney for Defendant Lorna Spencer (AFPD) LANGUAGE: Spanish

DEFENDANT:  PRESENT  NOT PRESENT  RELEASED  CUSTODY

DOA 2/24/08  Complaint Filed  Appointment of counsel hearing held  
 Financial Afdvt taken  No Financial Afdvt taken  Financial Afdvt sealed  
 Initial Appearance

DETENTION HEARING:  Held  Cont'd  Reset  UA

Set for: before:

Defendant ordered temporarily detained in the custody of the United States Marshal  
 Defendant ordered released (see order setting cond of rel)  Bail set at \$ \_\_\_\_\_  
 Defendant continued detained pending trial  Flight Risk  Danger

PLEA HEARING:  Held  Cont'd  Reset

Set for: before:

Consent to be tried by a Magistrate Judge signed  Class A Misd  Class B Misd  Class C Misd  
 Consent of Defendant  Information filed \_\_\_\_\_  Complaint filed \_\_\_\_\_  
 Defendant sworn and examined by the Court  Plea of Guilty  Not Guilty  Entered to Counts ONE  
 Defendant states true name to be \_\_\_\_\_. Further proceedings ORDERED in defendant's true name.  
 Plea of Guilty entered as to Ct(s) ONE of the  Information  Indictment  Complaint  
 Court recommends/or accepts defendant's plea and finds plea to be freely and voluntarily given.  
 Plea agreement:  Lodged  Filed  Sealed  
 Court does not accept defendant's plea of guilty because \_\_\_\_\_  
 PSI ORDERED  EXPEDITED  PSI waived  Time waived for passage of sentence  
 Continued for sentence to \_\_\_\_\_ before \_\_\_\_\_  
 To be dismissed upon entry of the judgment, Ct(s) \_\_\_\_\_  
 ORDER vacate trial date/motion hearing/mtns moot  
 ORDER defendant remain released pending sentence  remanded to USM

SENTENCING:

Defendant committed to Bureau of Prisons for a period of 15 days  Probation/Supervised Release for \_\_\_\_\_  
 Special Assessment \$ REMITTED  Fine \$ \_\_\_\_\_  Restitution \$ \_\_\_\_\_

Other: \_\_\_\_\_

RECORDED: CS  
BY: Angela J. Tuohy, Deputy Clerk

1124  
**United States District Court**  
**SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA

V.

Jose HERNANDEZ-  
Citizen of Mexico  
YOB: 1988  
A88 764 232  
Illegal Alien

CRIMINAL COMPLAINT

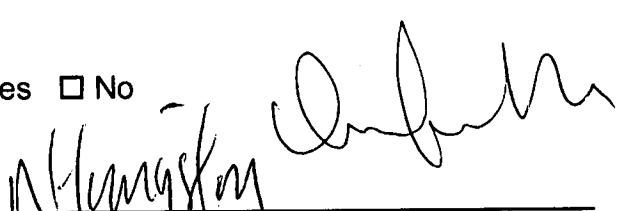
CASE NUMBER: 08-15329MSD

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

That on or about February 24, 2008, near Andrade, California in the Southern District of California, Defendant Jose HERNANDEZ-, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers of the United States of America, in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof.  Yes  No

  
Signature of Complainant  
Nicholas Kingston  
Senior Patrol Agent

Sworn to before me and subscribed in my presence,

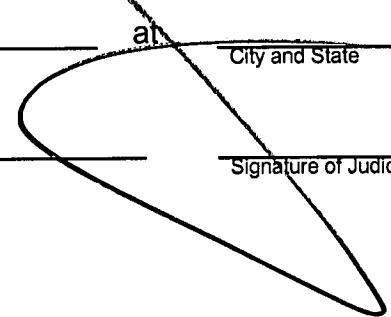
February 26, 2008

Date

Yuma, Arizona

City and State

Jay R. Irwin, U.S. Magistrate  
Name & Title of Judicial Officer

  
Signature of Judicial Officer

STATEMENT OF FACTUAL BASIS

Defendant: Jose HERNANDEZ-

Dependents: 1 Mexican

**IMMIGRATION HISTORY:** The Defendant is an illegal alien.

**CRIMINAL HISTORY:** None found.

<b><u>DATE LOCATION</u></b>	<b><u>OFFENSE</u></b>	<b><u>DISPOSITION</u></b>
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Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near Andrade, California.

The Defendant was questioned as to his citizenship and immigration status. Agents determined that the Defendant is an undocumented National of Mexico and illegally in the United States.

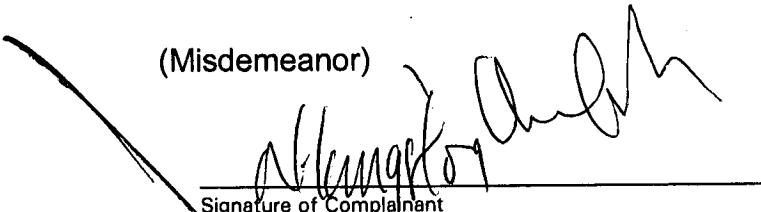
The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

**The Defendant is being presented for prosecution proceedings under "Operation Streamline." The Defendant entered the United States from Mexico through a designated "zero tolerance zone."**

The Defendant last entered the United States illegally without inspection near Andrade, California on February 24, 2008.

Charges: 8 USC§1325

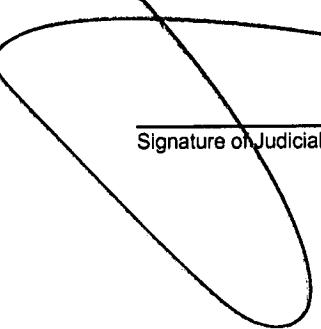
(Misdemeanor)

  
Signature of Complainant

Sworn to before me and subscribed in my presence,

February 26, 2008

Date

  
Signature of Judicial Officer